

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

FIREFIGHTERS' RETIREMENT SYSTEM
OF LOUISIANA,

Plaintiff,

v.

CIVIL ACTION NO. 5:10-cv-00776

MASSEY ENERGY COMPANY, et al.,

Defendants.

ORDER


Pending before the Court is the Movants' Stipulation and Proposed Order for Consolidation, Appointment of Lead Plaintiff, and Approval of Selection of Lead Counsel (Document No. 36). Movants Massachusetts Pension Reserves Investment Trust ("PRIT") and David Wagner state their agreement that: (1) the instant case should be consolidated with *MaComb County Employees' Retirement System v. Massey Energy Company, et al*, Civil Action No. 5:10-cv-00689; (2) that Movant Wagner will withdraw his motion for lead plaintiff and support the motion of PRIT as lead plaintiff; (3) that Movant Wagner will be included as a named plaintiff in a Consolidated Amended Complaint; and (4) that Labaton Sucharow representing Movant PRIT and Robbins Geller, representing Movant Wagner will serve as Co-Lead Counsel of the consolidated action with James F. Humphreys & Associates serving as Liaison Counsel.

Upon consideration of the Movants' submission, this Court observes that the Stipulation and Proposed Order do not include any findings as to the named Plaintiff in this case including any finding as to and whether the Plaintiff supports the movant's stipulation.

Therefore, this Court does hereby **ORDER** that the named Plaintiff, Firefighters' Retirement System of Louisiana, shall file an opposition or other response to the stipulation and proposed order, **no later than January 7, 2011.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: December 28, 2010



IRENE C. BERGER, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA